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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TARYLE LYNN STATLER,

Defendant and Appellant.

E055594

(Super.Ct.No. BAF007117)

OPINION

APPEAL from the Superior Court of Riverside County. Jorge C. Hernandez,
Judge. Affirmed as modified.

Jesse W.J. Male, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, and Kristen Kinnaird Chenelia, Deputy
Attorney General, for Plaintiff and Respondent.

Defendant and appellant Taryle Lynn Statler argues that the trial court imposed an
incorrect court security fee. The People correctly concede. Accordingly, we modify the
fee and otherwise affirm the judgment.

PROCEDURAL BACKGROUND

On December 8, 2009, defendant pled guilty to petty theft with a prior (Pen. Code, §§ 484, subd. (a), 666) and was granted probation.¹ The court ordered her to pay a court security fee of \$30, pursuant to section 1465.8. Over the next few years, defendant was repeatedly found to be in violation of her probation, but was always reinstated on probation. On December 9, 2011, following the filing of a new complaint and related violation of probation allegation, defendant's probation was revoked. On February 2, 2012, the court found that defendant was in violation of her probation and sentenced her to two years in state prison. The court also stated, "There'll be a \$200 restitution fine, \$200 parole revocation fine, the 30, and the 40." The sentencing minute order states: "Pay Court Operations Assessment \$40 . . . to collect & transfer to Trial Court Fund (PC 1465.8(a)(1))." The abstract of judgment also reflects that defendant was to pay a \$40 court security fee pursuant to section 1465.8.

ANALYSIS

The Section 1465.8 Fee Should Be Reduced to \$30

Defendant argues, and the People concede, that the fee imposed pursuant to section 1465.8 should have been in the amount of \$30, rather than \$40. We agree.

Defendant pled guilty on December 9, 2009, and was ordered to pay a \$30 court security fee. (Former § 1465.8, subd. (a)(1).) At that time, section 1465.8, subdivision (a)(1), required a \$30 fee to be imposed on every conviction. On October 19,

¹ All further statutory references will be to the Penal Code.

2010, section 1465.8 was amended to raise the fee to \$40. (Stats. 2010, ch. 720, § 33.)

On February 2, 2012, the court sentenced defendant and ordered her to pay \$40, pursuant to section 1465.8. However, “a person stands ‘convicted’ upon the return of a guilty verdict by the jury or by the entry of a plea admitting guilt.” (*People v. Davis* (2010) 185 Cal.App.4th 998, 1001.) Thus, for purposes of the court security fee, defendant stood convicted when she entered her guilty plea on December 9, 2009. At that time, the fee was \$30. Accordingly, the court erred in imposing a \$40 fee. We modify the judgment to reduce the fee to \$30.

DISPOSITION

The judgment is modified to reflect that defendant is to pay a court security fee of \$30, rather than \$40, under section 1465.8. The sentencing minute order and abstract of judgment should be corrected to reflect this modification. The trial court is directed to forward a copy of the amended minute order and abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

KING
J.

MILLER
J.